

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA
WAYCROSS DIVISION

FRANKLIN L. WILLIAMS,

Petitioner,

v.

MIKE PEARSON, Warden,

Respondent.

CIVIL ACTION NO.: CV512-072

ORDER

After an independent and *de novo* review of the entire record, the undersigned concurs with the Magistrate Judge's Report and Recommendation, to which Objections have been filed. Petitioner Franklin Williams ("Williams") also filed a Motion to Supplement and a Motion for Relief as to Further Ineffective Assistance. Based on the following, Williams' Motions are **DISMISSED** as moot. In his Objections, Williams once again contends that his claims are based on new law. Williams also contends that he filed his petition to challenge the execution of his sentence. As the Magistrate Judge noted, Williams does not meet the savings clause of 28 U.S.C. § 2255, and thus, the Court cannot entertain his actual innocence claims pursuant to 28 U.S.C. § 2241.

Additionally, Williams appears to be requesting that the Magistrate Judge recuse himself. "Any justice, judge, or magistrate of the United States shall disqualify himself in any proceeding in which his impartiality might reasonably be questioned." 28 U.S.C. § 455(a). The test of whether a judge should be recused under this section is whether

“an objective, disinterested, lay observer fully informed of the facts underlying the grounds on which recusal was sought would entertain a significant doubt about the judge’s impartiality.” United States v. Berger, 375 F.3d 1223, 1227 (11th Cir. 2004) (quoting United States v. Patti, 337 F.3d 1317, 1321 (11th Cir. 2003)). There is no evidence suggesting that the Magistrate Judge has acted in any way other than impartially in his recommended disposition of Williams’ petition.

Williams’ Objections are **overruled**. The Magistrate Judge’s Report and Recommendation, as supplemented herein, is adopted as the opinion of the Court. Williams’ petition for writ of habeas corpus, filed pursuant to 28 U.S.C. § 2241, is **DISMISSED**. The Clerk of Court is directed to enter the appropriate judgment of dismissal.

SO ORDERED, this 13th day of November, 2012.



HONORABLE J. RANDAL HALL
UNITED STATES DISTRICT JUDGE